G. R. S. III—1] 1910.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 213 29

FILE HEADING.

Extending the Small Cause Jurisdiction of Municipal & Subordinate Judges

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

A76

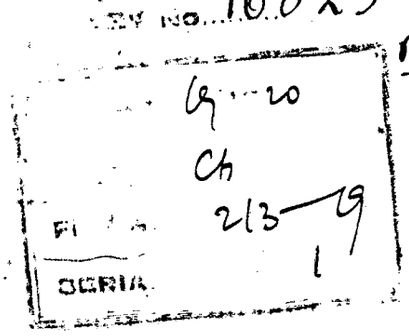
REPLY

(To be written on this margin.)

OFFICE OF THE THIRD MEMBER OF COUNCIL.

NOTE

Dated 11th March *19* 20.



In view of the large increase of small cause cases instituted in various courts the Chief Court may be asked - whether it is not advisable to increase the small cause jurisdiction of Munsiffs and Subordinate Judges.

12/3

To

The Chief Secretary
with compliments.

Secretary Proper.
Please put up draft Order
Ch-T.

Ch
Ch 13/3/20

Please put up draft.
D. M.
15/3

Draft

Submitted with a draft accordingly
15/3/1920
James
D. M.
15/3

G. R. S. III-2)

1623 2-7-1

General and Revenue Secretariat. | File No. of 191 .

Serial No.	
2	To The Registrar, Chief Court. No. G. 21400 dt 18th March 1920. Requests to communicate the opinion of the Judges of the Chief Court in the matter of extending the Small Cause jurisdiction of Munsiffs & Subordinate judges.
3.	From, The Registrar, Chief Court of Mysore. R.o.c. no. 1046/19-20 dt 8th Aug/1920 recd on 11-8-1920. States that the Judges are in favour of the proposal for raising the Small Cause Jurisdiction of the Munsiffs from Rs 50 to 100/- ~~in Bangalore~~ excepting that of the Munsiff of Mysore, Shimoga, & Bangalore States & that of the Subordinate Judges of Mysore & Shimoga ~~to Rs~~ from Rs 100 to Rs 300/-. Under notification no. 176 dt 22nd June 1883 (a copy of which is put.) all the Munsiffs have been invested with small Cause powers up to Rs 50/- ~~in Bangalore~~, the Kolar Gold Fields' Munsiff is invested with powers up to Rs Rs 100/- ~~since~~ in 1916. Subd. for orders.

On account of some difficulty in tracing out the old notification (information was got today from the Ch. Court, officials) the submission of this paper is delayed.

Subd.

30/8/20

30/8/20

31/8/20

The recommendations of the Judges of the Chief Court seems to be suitable & may perhaps be sanctioned. The change seems to be one which is very desirable.

To ulg.

III Member

NOTE—Contn. sheet.

1847
13-9-20

PROTECTION STAMP 25 MAR 1920

G. R. S. III-2.

General and Revenue Secretariat.

File No. 23 of 1919.

Serial No.

1847

DEWAN'S OFFICE.
Recd. on SEP 20 1920
Reg. No. 2698

May be approved. Mr. is an important matter & will have to be submitted W.H.H. for sanction. May be considered in connection & may be dispensed by circulation if the Dewan approves.

16/9

Dewan

CK 8/9 D.M. 8/9

I agree

25.9.20

Circulate

CK 28/9

C.S. D.M. 28/9

I agree

6.10.20

NOTE—Contn. sheet.

(For Disposal by Circulation.)

No. C. 240

.....19..20..21

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Question of extending the small causes jurisdiction of Munsiffs and Subordinate Judges.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C Balasundaram
Chief Secretary to Government.

..... 4th..October..... ...19..20.

Extraordinary Member of Council.

First Member of Council. Opinion recorded 4/10/20

2144-105
5-10-20

Second Member of Council. Opinion recorded
Dec
6.10.20

Third Member of Council. Opinion recorded.

Person Secr, Prot. Br. For kindly submitting the file with a D.F.N. to the Third Member with a D.F.N. 7.10. please obl.

2279

G.R. S. III-21

General and Revenue Secretariat.

Cy File No. 213 of 1919.

Serial No.	
	Subd. with a D.F.N. & D.N.
2668 19.10.20	13/10/20 Sd. 14/10 III Member apps [illegible] 19/10 Sd. [illegible] 19/10
	D.S.N. Subd. Dewan.

DEWAN'S OFFICE.
Recd. on NOV 1 1920
No. 3466.

eny 3466

D.M. 21/10

NOTE—Contn. sheet.

Final Note by the Third Member of Council.

250

Subject:-

Question of extending the small cause jurisdiction of Munsiffs and Subordinate Judges.

In view of the large number of cases of small value instituted in the various courts and in order to ensure their speedy disposal, the Chief Court were asked to submit proposals to increase the small cause jurisdiction of Munsiffs and Subordinate Judges in case they thought it necessary to do so.

2. The Chief Court have accordingly made the following proposals, in their letter No.R.O.C.1046/19-20, dated 8th August 1920, for increasing the powers of Munsiffs and Subordinate Judges in the matter of trying small cause cases:-

(1) All the Munsiffs except the First and Second Munsiffs of Bangalore and Mysore and the Munsiffs of Shimoga and Kolar Gold Fields to be invested with small cause jurisdiction up to Rs.100/-. The reasons assigned for the exceptions are that the Munsiffs of Bangalore and Mysore have heavy files and the Subordinate Judges of those places cannot be considered to have heavy work and that the Munsiff of Kolar Gold Fields is already invested with the power in question; and

(2) the Subordinate Judges of Mysore and Shimoga to be invested with small cause jurisdiction up to Rs.300/-, the Subordinate Judge at Bangalore having already been invested with the power to try such cases up to this limit.

In making these proposals the Chief Court consider that the judicial officers may be safely invested with the proposed powers.

Submitted to His Highness.

***

I submit herewith a Final Note by the Third Member of Council on the subject of extending the small cause jurisdiction of Munsiffs and Subordinate Judges, for His Highness' gracious approval.

2 Nov. 1920

Record of Cases submitted for the Orders of His Highness the Maharaja

558
3-11-1920.

Subject.

Question of extending the small cause jurisdiction of Munsiffs and Sub-ordinate Judges.

562

Order.

~~KRM~~

4/11/20

ch Ey
ceen

5.11.20

C 240

G. R. S. III-2]

2275

General and Revenue Secretariat.. | File No. of 19 .

Serial No.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to the Members of Council for perusal of His Highness' orders $\frac{\text{before}}{\text{after}}$* issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Govt.

Through the Secretary to Government,

.....Department.

266/12/11

FIRST MEMBER OF COUNCIL 13.11

2665-603

10-11-20.

SECOND MEMBER OF COUNCIL 12.11.20

2963

6.11.20.

THIRD MEMBER OF COUNCIL.

Draft please

13/11

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat.

Cto File No. 213 of 1919.

Serial No.

Submitted with a draft for approval.

ESS
13/11/20
SBR
14/11

The draft notification is in Appendix form. Please return it up as fresh opp. to amend.

D. M.
8/11

Urgent

Read
9/12
ES

~~Submit the~~

Submitted with a revised draft.

ESS
9/12/20.
SBR
10/12

The Chief Court may perhaps be requested to forward a draft notification for approval as is usual in such cases. The date from which the new arrangement should be given effect to has also to be decided. The Chief Court may be consulted on this point also.

If approved a draft to the Registrar will be put up.

SBR
10/12

yrs. Please put up opp.

D. M.
11/12

ES
11/12

Submitted with a draft.

ESS SBR
11/12/20.

Please send to day

D. M.
15/12

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

MS File No. 213 of 1919.

Serial No.

4 To

The Registrar, Chief Court.

No. G. 11982 dt/ 17-12-20.

Requests for a draft notification, ~~for the~~ suggesting the date from which the new arrangement is to be given effect to.

5 From The Registrar, Chief Court.

No. R.O.C 6616 dt 6th January 1921

Forwards four draft notifications in connection with the increase in the Small Cause Jurisdiction of ~~Munsiffs~~ Munsiffs and Sub-Judges. Suggested. The address has been altered to in the drafts sent by the Chief Court.

188 11/1/21 The draft notifications sent up do not seem to cover all the points suggested by the Chief Court in their letter of 8.8.1920

In drafts nos II & III the Small cause jurisdiction of Sub-Judges of Nyaveshimoga upto Rs 300 is confined to particular places & no reference is made about other places in their jurisdiction.

Further, draft no IV, makes it appear that the Munsiff, Kly. who has already been given Small cause jurisdiction

NOTE—Contn. sheet.

G. R. S. III-2,

General and Revenue Secretariat.

25 File No. 213 of 1919.

Serial No.

up to Rs 100, is to be invested with the power for the first time from 1.4.1924.

Submd for orders

Apr 1571

Means put up office-letter to the Registrar writing out the same

D. M. 1/1.

25 1/1

Settled with a draft.

25 Apr 1571 It is perhaps unnecessary to refer to the draft no IV in the letter to the Chief Court.

Issues D. M. 1871

Resubmitted.

The Registrar, Chief Court, whom I met yesterday, ~~[illegible]~~ said that the intention of the Chief Court in recommending the investiture of Sub Judge of Nipani & Shimoga with Small ~~[illegible]~~ Cause powers upto Rs 300 was to confine such jurisdiction to the (limits of the) Head quarter Munsiffs of Nipani & Shimoga. The Sub Judge, Bangalore, who has already that power, is restricted in the exercise thereof to the talukas comprised in the jurisdiction of the Principal & Additional Munsiffs of Bangalore; vide Notification no X 1864 of 13.12.1902. ~~[illegible]~~

In regard to the exercise of Small Cause powers by the Munsiff, Hgl, upto Rs 100,

X Vide Govt. proceedings for the month of Dec. 1902

NOTE—Contn. sheet

G. R. S. 111-2.

14883

General and Revenue Secretariat.

C5 File No. 2/3 of 1919.

Serial No.

Mlle Cases 234-19 85/192.

What is being done till now is to invest each (4) Munsiff who is posted there with the said power. The draft notification no IV invests the Munsiff, Key 7, generally with the powers, ~~and~~ thus making it unnecessary to invest the officer posted each time as hitherto.

The draft notifications therefore require no alteration, and the draft enquiry approved in the file need not, it seems, issue.

20/1

4 Draft notifns submd for appl.

D m, 22/1

III Member

4203/26-1-21

Appd 26/1 m

Secy D m 29/1

To

6 The Compiler, Mysore Gazette.

no. G. 15002 dt 1-2-21.

Notifies the transfer of the ordinary civil jurisdiction of a munsiff and small cause jurisdiction upto Rs 50/- over the Honnali taluk from the Court of the Subordinate Judge of Shimoga to the Court of the Munsiff of Shimoga with effect from 1st April 1921.

NOTE—Contn. sheet

G. R. S. III-2,

General and Revenue Secretariat. | CS File No. 213 of 1919.

Serial No.	
7	To The Compiler, Mysore Gazette No. G. 15004 Dt 1-2-21. Invests the Subordinate Judge of Shimoga with the powers of a Court of Small Causes within the local limits of the jurisdiction of the Munsiff of Shimoga for the trial of Suits Cognizable by such Court & exceeding Rs 50/- but not exceeding Rs 300/- in value
	To The Registrar, Chief Court. No. G. 15005 Dt 1-2-21.
–	FFS a Copy of above Notn.
8	To The Compiler, Mysore Gazette. No. G. 15006 Dt 1-2-21. Invests the Subordinate Judge of Mysore with the powers of a Court of Small Causes within the local limits of the jurisdiction of the 1st & 2nd Munsiffs of Mysore for the trial of Suits Cognizable by such Court & exceeding Rs 50/- but not exceeding 300/- value
	To The Registrar, Chief Court. No. G. 15007 Dt 1-2-21. FFS a Copy of above Notn.
9	To The Compiler, Mysore Gazette. No. G. 15008 Dt 1-2-21.

NOTE—Contn. sheet

G. R. S. III-2]

General and Revenue Secretariat.

Cls. File No. 213 of 1919.

Serial No.

Invests all the Munsiffs other than the 1st and 2nd Munsiffs, Bangalore & Mysore and the Munsiff of Shimoga with the powers of a Court of Small Causes within the local limits of their jurisdiction for the trial of suits cognizable by such Court & not exceeding Rs 100/- in value with effect from 1st Apr 21

To

The Registrar, Chief Court.

No. G. 15009 Dy 1-2 21.

Yos a copy of above Note.

NOTE—Contn. sheet.

G. R. S. VI—G/32]

SUBJECT..... Increase of the Small Cause Jurisdiction

.....

.....

Diary No. of letter replied to.....1822.....

GENERAL AND REVENUE SECRETARIAT
( )
, *the* 191 .

Date of issue.....17/3.....

Signed by.....W Pim

Section (4)
File No. 2 - 1
Serial No. 2

No. 5 2120

To

The Registrar,
Chief Court of Mysore

Sir,

I am directed to request you to be so good as to communicate the opinion of the Judges of the Chief Court Mysore as to the advisability of increasing the Small Cause Jurisdiction of Munsiffs & Subordinate Judges in view of the large increase of Such Cases instituted in various Courts.

I have &c

D. M.
15/3/20
Asst. Secy.
For Chief Secy

15/3/1920

e 240 2279

Roc no 1048
12-20

Bangalore, 12-29

Dated 8th August 1920.

From

G. Sreenivasa Iyer, Esq., B.A., M.L.,
Registrar of the Chief Court of Mysore.

To

C. S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the
Government of Mysore,
Bangalore.

Sir,

Adverting to your letter No.21400/Cts.213-19-2 dated the 17th March 1920 requesting the opinion of the Judges as to the advisibility of increasing the small cause jurisdiction of the Munsiffs and Subordinate Judges, I am directed to state that under the Small Cause Court Regulation, suits cognizable by a court of small causes are very simple in nature and involve no intricate questions of law or fact and the Regulation is more restricted in its scope here than in British India. All the munsiffs except the Munsiff of Kolar Gold Fields, try suits below Rs50/- in value as small causes: the limit was raised to Rs100/- in the Kolar Gold Fields about 3 years ago and no inconvenience is reported to have been felt thereby. The limit of Rs50/- for the other munsiffs was fixed more than 36 years ago and having re-

garu

gard to the fall in the value of money, the limit of Rs100/- may be taken as the real old limit, and cannot be considered high.

All suits of the value of Rs50/- to Rs100/- (inclusive) which are of the nature of small causes and which arise in the Taluks in which the First and Second Munsiffs of Bangalore and Mysore and the Munsiff of Shimoga have jurisdiction, are even now tried as small causes by the Subordinate Judges and the question is one of extension of the principle to other Taluks and trial of such suits by the munsiffs. The munsiffs now appointed are generally experienced members of the bar and may safely be entrusted with the powers.

The small cause jurisdiction was raised from Rs50/- to Rs100/- in all the Munsiffs' Courts in the Madras Presidency from 1st April 1915 and no injustice is reported to have been caused to the litigants by such increase.

In Mysore, 478 suits of the nature of small causes and of the value of over Rs50/- and below Rs100/- were disposed of after contest in 1917-18; but only 19 or 4 per cent were appealed against and of the 16 disposed of only 2 were reversed. In 1918-19, 377 suits of the nature of small causes and of the value of over Rs50/- and Rs100/- were disposed of after contest; but only 6 or 1.7 per cent were appealed against; of the 4 that were disposed of, the judgment of the lower court was reversed in no case.

In

5) In cases of illegal exercise of jurisdiction or of material irregularity or mistake of law, there is always the right of the litigant to invoke the aid of the Chief Court under its revisional jurisdiction. In 1918-19, the Chief Court remanded 6 cases for disposal to the munsiffs and set aside their decision in 2 cases. These figures prove that the munsiffs rarely come to an incorrect conclusion in such cases and that the curtailment of the right of appeal will affect very few. The revisional power under section 10 is wide and it can be cheaply invoked.

6) On a careful consideration of the above facts, the Judges are of opinion and recommend that all the munsiffs in the State may safely be invested with small cause jurisdiction upto Rs100/- (inclusive), except the First and Second Munsiffs of Bangalore and Mysore and the Munsiff of Shimoga. The Munsiffs at Bangalore and Mysore need not be invested with higher powers as they have already heavy files, and as the Subordinate Judges, who are now trying the suits between Rs50/- and Rs100/- arising within the jurisdiction of these munsiffs, as small causes, cannot be considered to have a very heavy file.

7) I am further to recommend that the small cause jurisdiction of the Subordinate Judges of Mysore and Shimoga may be raised from Rs100/- to Rs300/-. This will bring about uniformity of jurisdiction among all the Subordinate Judges in the State and relieve

also

68

also the First Munsiff of Mysore who has very heavy arrears on his file. It will also enable the Munsiff of Shimoga to take up the original suits and small cause suits up to Rs50/- of the Honnali Taluk, as a large number of suits now tried as original by him will be tried as small causes by the Subordinate Judge, whom it may not be necessary to invest with a munsiff's jurisdiction over that Taluk.]

In Madras, as many as 34 munsiffs are invested with small cause powers up to Rs200/- and the Subordinate Judges here who have put in more than 15 years' service as munsiffs may be safely entrusted with higher powers. It cannot be said that a Subordinate Judge is fit to exercise the powers while at Bangalore but not so when he is transferred to Mysore or Shimoga.

I have the honour to be,

S i r,

Your most obedient servant,

E Srinivasaiya

R e g i s t r a r.

Tks.
31/2

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, the *191* .

Date of issue 17/1

Signed by M'Pm Sec.

Section C5

File No. 2129.

Serial No. 4

No. 41982

To

The Registrar, Chief Court.

With reference to your letter no. R & C 1046 D dt 31.12.20, forwarding the opinion of the Judges on the Question of increasing the Small Cause Jurisdiction of the Munsiffs and Subordinate Judges, I am directed to request you to forward as soon as possible a draft notification

over.

[illegible] same understood
[illegible] date from which the
new arrangement is to
[illegible] given effect to.

I have etc

D. M'Neill
15/1
for Chief Secy.

[illegible]

List of enclosures.

Copied by

Examined by

34531

14683

Bangalore, [illegible]

Dated 6th January 1921.

10 JAN 1921

From

S. Srinivasa Iyer, Esq., B.A., M.L.,

Registrar of the Chief Court of Mysore.

To

J. C. Balasundaram Iyer, Esq., B. A.,

Chief Secretary to the Government of [illegible]

Bangalore.

11 JAN 1921

Adverting to your letter No.J.11982/Cts.13-19-4 dated the 17th December 1920, I am directed to forward herewith four draft modifications in connection with the increase of the pecuniary jurisdiction of the Munsiffs and Subordinate Judges.

I have the honour to be,

Sir,

Your most obedient servant,

S. Srinivasa Iyer

Registrar.

Tks.

(Draft). 07 1/2/21

Notification.

Under section 5 of the Mysore Civil Courts Regulation I of 1883 and in exercise of all other powers vested in them, the Government of His Highness the Maharaja of Mysore are pleased to transfer the ordinary civil jurisdiction of a Munsiff and small cause jurisdiction up to Rupees fifty over the Honnali Taluk from the court of the Subordinate Judge of Shimoga to the court of the Munsiff of Shimoga, with effect from 1st April 1921

By order

Revenue Secretary to Govt

To The Compiler, Mysore gazette for publication in the Gazette.

Copy to Registrar, Chief Court

Copy to Tr.

G 15004 9 1/2

(D r a f t).

N o t i f i c a t i o n.

Under section 15 of the [illegible] Courts Regulation (I of 1887) the Subordinate Judge of Shimoga is invested with the powers of a Court of Small Causes within the local limits of the jurisdiction of the Munsiff of Shimoga, in regard to suits cognizable by such Courts exceeding Rupees fifty but not exceeding Rupees one hundred in value, with effect from 1st April 1915.

By Order

Revenue Secretary to Govt

To The Compiler, Mysore Gazette for publication in the Gazette.

Copy to Revenue Accountant

G 15005

9 1/2

6[illegible]-19-8

(Draft). G 18006 07 1/2

Notification.

Under section 16 of the Mysore [illegible] Regulation (I of 1883) the Subordinate [illegible] of Mysore is invested with the powers of a Court [illegible] within the local limits of the jurisdiction [illegible] First and Second Munsiffs of Mysore, [illegible] of suits cognizable by such court, and exceeding Rupees fifty but not exceeding Rupees three hundred in value with effect from 1st April 1921.

By Order

Revenue Secretary

ES.

To, The Compiler, Mysore Gazette for publication in the Gazette.

Copy to Registrar, Chief Court

G 15007 07 1/2

Gls 213-19-9

Gsoos 07 1/2

(Draft).

Notification

Under section 16 of the Mysore Civil Courts Regulation (I of 1883) as amended by Regulation IX of 1915, all Munsiffs other than the First and Second Munsiffs, Bangalore and Mysore, and the Munsiff of Shimoga, are invested with the powers of a court of small causes within the local limits of their jurisdiction for the trial of suits cognizable by such court and not exceeding one hundred rupees in value with effect from 1st April 1921.

Dy. 22/1

Gs

To the Compiler, Mysore Gazette, for publication in the Gazette

copy to Registrar, Chief Court

Gsoos 07 2/1 1/2